

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	
	:	No. 16 Cr. 576 (JFK)
-against-	:	No. 20 Civ. 1493 (JFK)
	:	
CHARLES KERRIGAN,	:	ORDER
	:	
<u>Defendant.</u>	:	
-----X	:	

JOHN F. KEENAN, United States District Judge:

On February 20, 2020, Defendant-Petitioner Charles Kerrigan ("Kerrigan") filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. (Docket No. 20 Civ. 1493; ECF No. 1). One of the arguments Kerrigan raises in support of his petition is that he received constitutionally ineffective assistance of trial and appellate counsel. (ECF No. 3.)

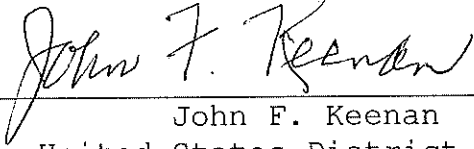
In order to resolve Kerrigan's ineffective assistance of counsel claims, it is necessary for the Court to hear from Kerrigan's trial counsel, Patrick Parrotta, and appellate counsel, Matthew Galluzzo. See Puglisi v. United States, 586 F.3d 209, 213 (2d Cir. 2009). Kerrigan, by raising a claim of ineffective assistance of counsel in his petition, has waived attorney-client privilege as a matter of law. See Coluccio v. United States, 289 F. Supp. 2d 303, 305 (E.D.N.Y. 2003). The Court recognizes, however, that absent a court order, ethical concerns may inhibit Counsel from disclosing confidential

information relating to a prior client. See, e.g., ABA Standing Comm. on Ethics and Prof. Responsibility Formal Op. 10-456 (July, 14, 2010), Disclosure of Information to Prosecutor When Lawyer's Former Client Brings Ineffective Assistance of Counsel Claim.

Accordingly, it is hereby ORDERED that Kerrigan's former attorneys, Patrick Parrotta and Matthew Galluzzo, shall give sworn testimony, in the form of affidavits, addressing Kerrigan's allegations of ineffective assistance of counsel by no later than April 29, 2022.

SO ORDERED.

Dated: New York, New York
March 30, 2022



John F. Keenan
United States District Judge